

070004041

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING DOCKET NO. VGOB 06/09/19-1718

ELECTIONS, UNIT: VC-535926

(hereinafter "Subject Drilling Unit").

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on September 19, 2006 and recorded in Instrument # 070000694 in the Office of the Clerk of Circuit Court, Buchanan County, Virginia on February 27, 2007, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
  - (a) The Board Order directed Equitable Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
  - (b) The designated operator filed its affidavit of mailing dated April 2, 2007, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
  - (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the


Designated Operator has filed its affidavit dated July 3, 2007, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;

- (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
  - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, N. A., VA7515, P.O. Box 14061, Roanoke, VA 24038, (888) 396-0853, Attn: Judy Barger, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
- 3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank N. A., VA7515, P.O. Box 14061, Roanoke, VA 24038, (888) 396-0853, Attn: Judy Barger, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
  - 4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
  - 5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
  - 6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18<sup>th</sup> day of October, 2007 by a majority of the Virginia Gas and Oil Board.

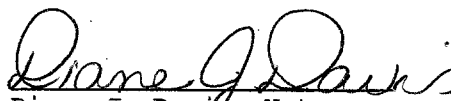
  
Benny R. Wampler, Chairman

DONE AND EXECUTED this 18<sup>th</sup> day of October, 2007 by a majority of the Virginia Gas and Oil Board.

  
B. R. Wilson  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 18<sup>th</sup> day of October, 2007, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2009

**VIRGINIA:**

***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number VC-535926 VGOB Docket No. VGOB-06/09/19-1718 in the Hurricane Magisterial District of Buchanan County, Virginia.

**AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER**

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on September 19, 2006, by the Virginia Gas and Oil Board regarding the captioned coalbed methane Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on February 27, 2007.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

| <u>TRACT</u> | <u>NAME</u>  | <u>ELECTION</u> |
|--------------|--|-----------------|
| 3            | Virginia Lee Linwick and<br>Phillip G. Linwick, W/H<br>4324 South Ball Drive<br>Veradale, Washington 99037 | Participate     |

| <u>TRACT</u> | <u>NAME</u>  | <u>ELECTION</u>    |
|--------------|--|--------------------|
| 3            | Buchanan Realty Ltd Partnership<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469       | Participate        |
|              | Richard Pobst and<br>Kathi Pobst, H/W<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469 | Participate        |
|              | Gary Roger Hurley and<br>Agnes Geraldine Hurley, H/W<br>Rt 1, Box 392<br>Vansant, VA 24656                 | Cash Consideration |
|              | Sandra Hoback Kidwell and<br>H. Eugene Kidwell, W/H<br>2010 Cypress Drive<br>Culpepper, VA 22701           | Cash Consideration |
|              | CNX Gas Company, Lessee<br>P.O. Box 947<br>Bluefield, VA 24605   | Participate        |
|              | Meredith Ellis Jennings<br>542 Butler Mill Road<br>Maryville, TN 37803                                     | Participate        |

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow as either unknown claimants or conflicting claimants under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia; that opposite the name of each person named as a Respondent listed below is set forth:

| <u>TRACT</u> | <u>LESSOR</u>  | <u>LEASE<br/>STATUS</u> | <u>NET<br/>REVENUE<br/>INTEREST</u> |
|--------------|--|-------------------------|-------------------------------------|
| 2            | Gary Roger Hurley and<br>Agnes Geraldine Hurley, H/W<br>Rt 1, Box 392<br>Vansant, VA 24656   | Unleased                | 0.00985000                          |
| OR           | Pine Mountain Oil & Gas, Inc.<br>Attn: Jerry Grantham<br>P.O. Box 2136<br>Abingdon, VA 24212 | Leased-EPC<br>241490L   | 0.00985000                          |

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims.

NONE

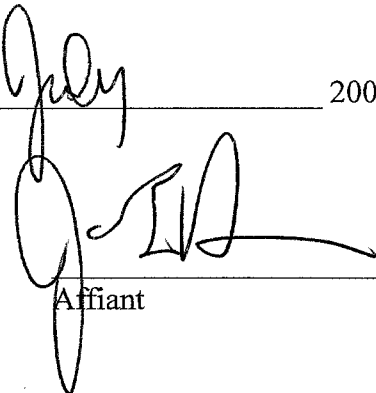
8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

| <u>Tract</u> | <u>Lessor</u>  | <u>Cash Consideration</u> |
|--------------|--|---------------------------|
| 3            | John W. Pobst, Jr. and<br>Lynda Pobst, H/W<br>P.O. Box 86<br>Revere, PA 18953                                  | 0.0230 X \$5.00 = \$0.12  |
|              | Lucille Vicars, widow<br>P.O. Box 797<br>Wise, VA 24293  | 0.0460 X \$5.00 = \$0.23  |
|              | Catherine Pobst, single<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469                   | 0.0230 X \$5.00 = \$0.12  |
|              | John Tolman Sheffield Trust<br>c/o E. B. Seale<br>2747 North O'Connor Road<br>Irving, TX 75062                 | 0.1150 X \$5.00 = \$0.58  |
|              | Oryn T. Sheffield Jr. Trust<br>c/o E. B. Seale<br>2747 North O'Connor Road<br>Irving, TX 75062                 | 0.1150 X \$5.00 = \$0.58  |
|              | Hugh P. Cline and<br>Nancy Cline, H/W<br>312 NW Henry Street<br>Norton, VA 24273                               | 0.0230 X \$5.00 = \$0.12  |
|              | Allison Paige Weaver Mangrum and<br>Michael Mangrum W/H<br>912 Erik Paul Drive<br>Chesapeake, VA 23322         | 0.0259 X \$5.00 = \$0.13  |
|              | R. O. Crockett, Jr. widower<br>c/o Robert Dexter Crockett<br>10877 San Gabriel Way<br>Valley Center, CA. 92082 | 0.0575 X \$5.00 = \$0.29  |

| <u>Tract</u> | <u>Lessor</u>   | <u>Cash Consideration</u> |
|--------------|---|---------------------------|
| 3            | Elizabeth Jean Crockett McCutcheon and<br>Allan McCutcheon W/H<br>6601 Leesburg Street<br>Lincoln, NE 68516 | 0.0230 X \$5.00 = \$0.12  |
|              | Jennifer Lynn Crockett Peterson and<br>Robert Peterson, W/H<br>9 Long N Point Lane<br>Media, PA 19063       | 0.0230 X \$5.00 = \$0.12  |
|              | Robert Dexter Crockett and<br>Christy Crockett H/W<br>10877 San Gabriel Way<br>Valley Center, CA. 92082     | 0.0230 X \$5.00 = \$0.12  |


That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

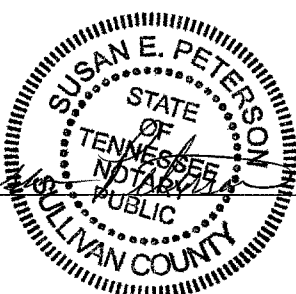
Dated at Kingsport, Tennessee, this 3<sup>rd</sup> day of July 2007.

  
\_\_\_\_\_  
Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Production Company, a corporation, on behalf of the corporation, this 3<sup>rd</sup> day of July 2007.

My commission expires: 11-12-08

  
\_\_\_\_\_  
Notary



**EXHIBIT "B"**  
**VC-535926**  
**REVISED 06-06-07**

| <u>TRACT</u>           | <u>LESSOR</u>  | <u>LEASE<br/>STATUS</u>                        | <u>INTEREST<br/>WITHIN<br/>UNIT</u> | <u>GROSS<br/>ACREAGE<br/>IN UNIT</u> |
|------------------------|--|--|-------------------------------------|--------------------------------------|
| <u>Gas Estate Only</u> |  |  |                                     |                                      |
| 1                      | Pine Mountain Oil & Gas, Inc.<br>Attn: Jerry Grantham<br>P.O. Box 2136<br>Abingdon, VA 24212 | Leased EPC<br>241490L<br>T-615                 | 82.350000%                          | 48.4000                              |
|                        | Equitable Production   |  |                                     |                                      |
| Tract 1 Totals         |  |  | 82.350000%                          | 48.4000                              |
| 2                      | Sarah Geneva Owens, single<br>Rt 2, Box 276<br>Honaker, VA 24260                             | Leased EPC<br>241909L<br>Life Estate           | 0.000000%                           | 0.0000                               |
|                        | Gary Roger Hurley and<br>Agnes Geraldine Hurley, H/W<br>Rt 1, Box 392<br>Vansant, VA 24656   | Unleased<br>Remainderman<br>cash consideration | 7.880000%                           | 4.6300                               |
|                        | Equitable Production   |  |                                     |                                      |
| Tract 2 Totals         |  |  | 7.880000%                           | 4.6300                               |
| 3                      | Meredith Ellis Jennings<br>542 Butler Mill Road<br>Maryville, TN 37803                       | Unleased<br>Participate                        | 0.078500%                           | 0.0460                               |
|                        | John W. Pobst, Jr. and<br>Lynda Pobst, H/W<br>P.O. Box 86<br>Revere, PA 18953                | Unleased                                       | 0.039250%                           | 0.0230                               |
|                        | Lucille Vicars, widow<br>P.O. Box 797<br>Wise, VA 24293                                      | Unleased                                       | 0.078500%                           | 0.0460                               |
|                        | Catherine Pobst, single<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469 | Unleased                                       | 0.039250%                           | 0.0230                               |



|  |                                |           |        |
|--|--------------------------------|-----------|--------|
| John Tolman Sheffield Trust<br>c/o E. B. Seale<br>2747 North O'Connor Road<br>Irving, TX 75062                 | Unleased                       | 0.196250% | 0.1150 |
| Oryn T. Sheffield Jr. Trust<br>c/o E. B. Seale<br>2747 North O'Connor Road<br>Irving, TX 75062                 | Unleased                       | 0.196250% | 0.1150 |
| Carl McAfee and<br>Julia McAfee, H/W<br>P.O. Box 656<br>Norton, VA 24273                                       | Leased EPC<br>243317L          | 0.039250% | 0.0230 |
| Hugh P. Cline and<br>Nancy Cline, H/W<br>312 NW Henry Street<br>Norton, VA 24273                               | Unleased                       | 0.039250% | 0.0230 |
| Allison Paige Weaver Mangrum and<br>Michael Mangrum W/H<br>912 Erik Paul Drive<br>Chesapeake, VA 23322         | Unleased                       | 0.044156% | 0.0259 |
| Jeffery Robert Weaver, single<br>6263 McNeil Drive-1327<br>Austin, TX 78729                                    | Leased EPC<br>243317L          | 0.044156% | 0.0259 |
| R. O. Crockett, Jr. widower<br>c/o Robert Dexter Crockett<br>10877 San Gabriel Way<br>Valley Center, CA. 92082 | Unleased                       | 0.098125% | 0.0575 |
| Sandra Hoback Kidwell and<br>H. Eugene Kidwell, W/H<br>2010 Cypress Drive<br>Culpepper, VA 22701               | Unleased<br>Cash consideration | 0.088313% | 0.0518 |
| Elizabeth Jean Crockett McCutcheon and<br>Allan McCutcheon W/H<br>6601 Leesburg Street<br>Lincoln, NE 68516    | Unleased                       | 0.039250% | 0.0230 |
| Jennifer Lynn Crockett Peterson and<br>Robert Peterson, W/H<br>9 Long N Point Lane<br>Media, PA 19063          | Unleased                       | 0.039250% | 0.0230 |
| Robert Dexter Crockett and<br>Christy Crockett H/W<br>10877 San Gabriel Way<br>Valley Center, CA. 92082        | Unleased                       | 0.039250% | 0.0230 |

|                  |  |                              |             |         |
|------------------|--|------------------------------|-------------|---------|
|                  | Buchanan Realty Ltd Partnership<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469       | Unleased<br>Participate      | 0.392500%   | 0.2300  |
|                  | Virginia Lee Linwick and<br>Phillip G. Linwick, W/H<br>4324 South Ball Drive<br>Veradale, Washington 99037 | Unleased<br>Participate      | 0.039250%   | 0.0230  |
|                  | Richard Pobst and<br>Kathi Pobst, H/W<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469 | Unleased<br>Participate      | 0.039250%   | 0.0230  |
|                  | Equitable Production   |                              |             |         |
| Tract 3 Totals   |  |                              | 1.570000%   | 0.9200  |
| 4                | J. D. Nicewonder and<br>Lorraine Nicewonder, H/W<br>148 Bristol East Road<br>Bristol, VA 24202-5500        | Leased EPC<br>243957L        | 1.366694%   | 0.8033  |
|                  | Donald Nicewonder and<br>Etta Nicewonder, H/W<br>15314 Majestic Drive<br>Bristol, VA 24202-3924            | Leased EPC<br>243957L        | 1.366694%   | 0.8033  |
|                  | Wilma N. Overbey, widow<br>a.k.a. Wilma Lois Nicewonder<br>213 North Church Street<br>Marion, VA 24354     | Leased EPC<br>243957L        | 1.366612%   | 0.8033  |
|                  | Garden Realty Corporation<br>c/o Ann B. Worley<br>108 Bexley Road<br>Mooreville, WV 28117                  | Leased to<br>CNX Gas Company | 0.000000%   | 0.0000  |
|                  | CNX Gas Company, Lessee<br>P.O. Box 947<br>Bluefield, VA 24605   |                              | 4.100000%   | 2.4100  |
|                  | Equitable Production   |                              |             |         |
| Tract 4 Totals   |  |                              | 8.200000%   | 4.8200  |
| TOTAL GAS ESTATE |  |                              | 100.000000% | 58.7700 |

**Coal Estate Only**

|                       |  |                                |                   |                |
|-----------------------|--|--------------------------------|-------------------|----------------|
| <b>1</b>              | Pine Mountain Oil & Gas, Inc.<br>Attn: Jerry Grantham<br>P.O. Box 2136<br>Abingdon, VA 24212   | Leased EPC<br>241490L<br>T-615 | 82.350000%        | 48.4000        |
|                       | Equitable Production   |                                |                   |                |
| <b>Tract 1 Totals</b> |  |                                | <b>82.350000%</b> | <b>48.4000</b> |
| <b>2</b>              | Pine Mountain Oil & Gas, Inc.<br>Attn: Jerry Grantham<br>P.O. Box 2136<br>Abingdon, VA 24212   | Leased-EPC<br>241490L          | 7.880000%         | 4.6300         |
|                       | Equitable Production   |                                |                   |                |
| <b>Tract 2 Totals</b> |  |                                | <b>7.880000%</b>  | <b>4.6300</b>  |
| <b>3</b>              | Meredith Ellis Jennings<br>542 Butler Mill Road<br>Maryville, TN 37803                         | Unleased                       | 0.078500%         | 0.0460         |
|                       | John W. Pobst, Jr. and<br>Lynda Pobst, H/W<br>P.O. Box 86<br>Revere, PA 18953                  | Unleased                       | 0.039250%         | 0.0230         |
|                       | Lucille Vicars, widow<br>P.O. Box 797<br>Wise, VA 24293  | Unleased                       | 0.078500%         | 0.0460         |
|                       | Catherine Pobst, single<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469   | Unleased                       | 0.039250%         | 0.0230         |
|                       | John Tolman Sheffield Trust<br>c/o E. B. Seale<br>2747 North O'Connor Road<br>Irving, TX 75062 | Unleased                       | 0.196250%         | 0.1150         |
|                       | Oryn T. Sheffield Jr. Trust<br>c/o E. B. Seale<br>2747 North O'Connor Road<br>Irving, TX 75062 | Unleased                       | 0.196250%         | 0.1150         |
|                       | Carl McAfee and<br>Julia McAfee, H/W<br>P.O. Box 656<br>Norton, VA 24273                       | Leased EPC<br>243317L          | 0.039250%         | 0.0230         |

|  |                         |           |        |
|--|-------------------------|-----------|--------|
| Hugh P. Cline and<br>Nancy Cline, H/W<br>312 NW Henry Street<br>Norton, VA 24273                               | Unleased                | 0.039250% | 0.0230 |
| Allison Paige Weaver Mangrum and<br>Michael Mangrum W/H<br>912 Erik Paul Drive<br>Chesapeake, VA 23322         | Unleased                | 0.044156% | 0.0259 |
| Jeffery Robert Weaver, single<br>6263 McNeil Drive-1327<br>Austin, TX 78729                                    | Leased EPC<br>243317L   | 0.044156% | 0.0259 |
| R. O. Crockett, Jr. widower<br>c/o Robert Dexter Crockett<br>10877 San Gabriel Way<br>Valley Center, CA. 92082 | Unleased                | 0.098125% | 0.0575 |
| Sandra Hoback Kidwell and<br>H. Eugene Kidwell, W/H<br>2010 Cypress Drive<br>Culpepper, VA 22701               | Unleased                | 0.088313% | 0.0518 |
| Elizabeth Jean Crockett McCutcheon and<br>Allan McCutcheon W/H<br>6601 Leesburg Street<br>Lincoln, NE 68516    | Unleased                | 0.039250% | 0.0230 |
| Jennifer Lynn Crockett Peterson and<br>Robert Peterson, W/H<br>9 Long N Point Lane<br>Media, PA 19063          | Unleased                | 0.039250% | 0.0230 |
| Robert Dexter Crockett and<br>Christy Crockett H/W<br>10877 San Gabriel Way                                    | Unleased                | 0.039250% | 0.0230 |
| Buchanan Realty Ltd Partnership<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469           | Unleased<br>Participate | 0.392500% | 0.2300 |
| Virginia Lee Linwick and<br>Phillip G. Linwick, W/H<br>4324 South Ball Drive<br>Veradale, Washington 99037     | Unleased<br>Participate | 0.039250% | 0.0230 |
| Richard Pobst and<br>Kathi Pobst, H/W<br>c/o John C. Irvin<br>4710 Hunterwood Circle<br>Richmond, TX 77469     | Unleased<br>Participate | 0.039250% | 0.0230 |

Equitable Production

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|                |  |           |        |
|----------------|--|-----------|--------|
| Tract 3 Totals |  | 1.570000% | 0.9200 |
|----------------|--|-----------|--------|

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|                  |  |                              |             |         |
|------------------|--|------------------------------|-------------|---------|
| 4                | J. D. Nicewonder and<br>Lorraine Nicewonder, H/W<br>148 Bristol East Road<br>Bristol, VA 24202-5500    | Leased EPC<br>243957L        | 1.366694%   | 0.8033  |
|                  | Donald Nicewonder and<br>Etta Nicewonder, H/W<br>15314 Majestic Drive<br>Bristol, VA 24202-3924        | Leased EPC<br>243957L        | 1.366694%   | 0.8033  |
|                  | Wilma N. Overbey, widow<br>a.k.a. Wilma Lois Nicewonder<br>213 North Church Street<br>Marion, VA 24354 | Leased EPC<br>243957L        | 1.366612%   | 0.8033  |
|                  | Garden Realty Corporation<br>c/o Ann B. Worley<br>108 Bexley Road<br>Mooresville, WV 28117             | Leased to<br>CNX Gas Company | 0.000000%   | 0.0000  |
|                  | CNX Gas Company, Lessee<br>P.O. Box 947<br>Bluefield, VA 24605   |                              | 4.100000%   | 2.4100  |
|                  | Equitable Production   |                              |             |         |
| Tract 4 Totals   |  |                              | 8.200000%   | 4.8200  |
| TOTALCOAL ESTATE |  |                              | 100.000000% | 58.7700 |

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgement annexed, admitted to record this 29<sup>th</sup> day of October

20 07. Instrument No. 07 0004041

Returned to: Sm m E

TESTE:

TESTE: Beverly S. Tiller, Clerk

Beverly S. Tiller

Clerk

BU  
23

ENTERED

INSTRUMENT #070024041  
RECORDED IN THE CLERK'S OFFICE OF  
EUCHAUNAN COUNTY ON  
OCTOBER 29, 2007 AT 04:07PM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: TLB